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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,570	06/30/2003	Chikuni Kawakami	Q76333	7317
23373 7590 01/24/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER HO, TUAN V	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 01/24/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/608,570	Applicant(s) KAWAKAMI, CHIKUNI	
	Examiner Tuan V. Ho	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claims 1 and, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Misawa (US 6,434,337).

With regard to claim 1, Misawa discloses in Fig. 3,a digital still camera that comprises the battery remaining amount warning apparatus that gives a warning about a voltage drop of a battery in a digital camera (digital camera 1 detects

a voltage level of battery 43 so as to provide warning signal on display screen 17, col. 5, lines 20-60), comprising the measuring device which measures DC resistance or voltage of the battery (power supply control circuit 42, col. 5, lines 39-41); a detecting device which detects a voltage drop of the battery from the DC resistance value or voltage value measured by the measuring device (control circuit 42 inherently includes a detecting circuit which is used to detect voltage level of battery 43, col. 5, lines 40-41); and a supply voltage warning device which, when the detecting device detects a voltage drop of the battery (CPU 20 working in combination with control circuit 42 provides warning signal that is displayed on screen 17, col. 5, line 51), simultaneously displays warnings about drops in the supply voltage according to various modes such as a recoding mode, playback mode and flash charge image pickup mode of the digital camera (display screen 17 displays recording priority, playback priority and DAP priority, col. 6, lines 1-38 and Fig. 7).

With regard to claim 2, Misawa discloses in Fig. 3, a digital still camera that comprises the battery remaining amount warning apparatus according to claim 1, wherein simultaneously displaying warnings about drops in the supply voltage according

to various modes such as the recoding mode, playback mode and flash charge image pickup mode means displaying simultaneously the number of recordable images, the number of reproducible images or times of reproducible images, or the number of images that can be taken in flash charge (Fig. 7 and col. 6, lines 1-38).

With regard to claim 3, Furthermore, Misawa discloses in Fig. 3, a digital still camera that comprises: when the detecting device detects a voltage drop of the battery, calculates a number of images that can be taken in a recording mode of the digital camera from the measured DC resistance value or voltage value through calculations from the DC resistance value or voltage value, or through a table of DC resistance values or voltage values and the number of recordable images, and displaying these values (Misawa discloses in Fig. 8, that digital camera 1 calculates warning voltage and voltage at which the camera is capable of recording, col. 6, lines 49-65).

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Suzuki (US 6,850,270) discloses an electronic camera that can detect voltage of a battery and set voltage levels in accordance a camera operation.

Ogawa (US 6,031,999) discloses a digital camera that can detects a battery level.

Wang (US 6,339,264) discloses an apparatus that can detect output voltage of a battery of a digital camera.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan Ho whose telephone number is (571) 272-7365. The examiner can normally be reached on Mon-Fri 7:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

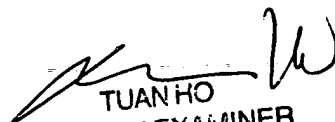
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TUAN HO
PRIMARY EXAMINER